

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35634 of 2014

Arising Out of PS.Case No. -63 Year- 2013 Thana -NAWADA District- NAWADA

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1. Md. Murshid Quadri @ Md. Murshid
 2. Md. Tauqir Alam @ Md. Taukir @ Md. Taukir Ansari,
Both Sons of Abdul Rashid.
 3. Isharat Pravin @ Shabnam Shima, daughter of Abdul Rashid
 4. Abdul Aziz @ Abdul Aziz Ansari, Son of Late Budhan Ansari
 5. Abdul Rashid @ Abdul Rashid Ansari @ Abdul Hashid Ansari Son of
Abdul Aziz
 6. Shamsa Khatoon Wife of Abdul Rashid.
- All resident of mohalla- Rasul Nagar, P.S.- Nawada Town in the District of
Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Faiz Akram Son of Gyas Manshoor resident of mohalla- Bhadauni
Phulwari Sharif, P.S.- Nawada Town, in the District of Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 15-01-2015 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State as well as learned

counsel appearing for the informant.

Petitioners apprehend their arrest in connection with

Sessions Trial No. 187 of 2013/24 of 2014 arising out of Nawada

P.S. Case No. 63 of 2013 registered for the offence punishable

under Section 302/34 of the Indian Penal Code, pending in the

court of Additional Sessions Judge (Ad hoc)-II, Nawada.



Admittedly, after due investigation police submitted final form in respect of the petitioners and they were not sent up for trial. The final form was accepted by the concerned court but in course of trial, some prosecution witnesses stated about the involvement of the petitioners in the alleged crime.

The witnesses stated in course of trial that the deceased was in love with petitioner no. 3, namely, Isharat Pravin @ Shabnam Shima who wrote a letter to the deceased and on the invitation of petitioner no. 3, the deceased had gone to the house of petitioner no. 3 and, thereafter, he was killed by the petitioners and other accused. Witnesses also stated that after institution of this case, the aforesaid letter of petitioner no. 3 was recovered.

It would appear that on the basis of aforesaid statements of prosecution witnesses, the learned Additional Sessions Judge summoned the petitioners in the above stated sessions trial to face trial along with other accused.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two

sureties of the like amount each to the satisfaction of the Additional Sessions Judge (Ad hoc)-II, Nawada in Sessions Trial No. 187 of 2013/24 of 2014 arising out of Nawada P.S. Case No. 63 of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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